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 CITY AND COUNTY OF SAN FRANCISCO,
 HEATHER FONG, IN HER OFFICIAL CAPACITY,
 AND JESSE SERNA

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

GREGORY OLIVER, II,

Plaintiff,

vs.

CITY AND COUNTY OF SAN
 FRANCISCO, a municipal corporation;
 HEATHER FONG, in her capacity as
 Chief of Police for the CITY AND
 COUNTY OF SAN FRANCISCO; JESSE
 SERNA, individually, and in his capacity
 as a police officer for the CITY AND
 COUNTY OF SAN FRANCISCO; and
 San Francisco police officers DOES 1-25,
 inclusive,

Defendants.

Case No. C07-02460 JL

**[PROPOSED] ORDER BIFURCATING
 PLAINTIFFS' CLAIMS AGAINST
 CITY AND COUNTY OF SAN
 FRANCISCO AND CHIEF HEATHER
 FONG FROM CLAIMS AGAINST
 OFFICER SERNA AND STAYING
MONELL AND RELATED
 DISCOVERY**

Hearing Date: May 21, 2008
 Hearing Judge: Hon. J. Larson
 Time: 9:30 a.m.
 Place: Courtroom F

Date Action Filed: May 8, 2007
 Trial Date: None Set

Defendants' MOTION TO BIFURCATE PLAINTIFFS' CLAIMS AGAINST CITY AND
 COUNTY OF SAN FRANCISCO AND CHIEF HEATHER FONG FROM CLAIMS AGAINST
 OFFICER SERNA and MOTION TO STAY *MONELL* AND RELATED DISCOVERY came on for
 regularly noticed hearing on May 21, 2008, with Deputy City Attorney Scott D. Wiener appearing
 for all Defendants and Ben Nisenbaum appearing for Plaintiff. Having reviewed the parties'

1 submissions, considered the relevant authorities, and heard argument, the Court GRANTS the
2 motions and ORDERS as follows:

3 1. Trial of Plaintiff's claims against Officer Serna are bifurcated from Plaintiff's claims
4 against the City and Chief Heather Fong. *See* Fed. R. Civ. P. 42(b); *Quintanilla v. City of Downey*,
5 84 F.3d 353, 356 (9th Cir. 1996). Trial shall proceed first against Officer Serna only. After that
6 trial, Plaintiffs may proceed to trial against the City and Chief Fong, if those claims are still viable.

7 2. Discovery related to Plaintiff's claims against the City and Chief Fong (*Monell*
8 discovery and discovery related to Plaintiff's claim for negligent hiring, retention, training,
9 supervision, and discipline) is stayed until after the trial of Plaintiff's claims against Officer Serna.
10 *See* Fed. R. Civ. P. 26(c).

11 SO ORDERED.

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14 Dated: _____

HON. JAMES LARSON
UNITED STATES MAGISTRATE JUDGE